

2025:PHHC:066544



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-27342-2025
DECIDED ON: 19.05.2025**

KARANVIR SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.266 dated 30.11.2024, U/s 115(2), 118(1), 351 (2), 3(5) of BNS 2023, P.S. Samrala, Distt. Khanna.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Jaspreet Singh @ Jassa son of Soma Singh resident of village Bomb, P.S. Samrala, Distt. Ludhiana aged about 38 years Mob. No.9592293813. Stated that I am resident of above said address and do the work of putting lintels. On 24.11.2024, I after completing the work at Village Rajgarh near Doraha was coming to my house on motorcycle bearing No.PB-10-GE-3283 make CT-100. Then after reaching at bus stand of village Ajlodh, I stopped at village Ajlodh for

taking chicken from Bomb Chicken corner, where Karanvir Singh son of Kewal Singh resident of village Bomb was already standing there. Then after chicken I started going towards my motorcycle then Karanvir Singh showed me aggressive gesture, to whom I asked reason for showing aggressive gesture, who started scuffling with me and we gave fist blows to each other. In the meantime owner of Bomb Chicken Corner namely Gurdev Singh @ Bhura stopped us from fighting. Thereafter I came to my house on my motorcycle. Then at about 7 p.m. my children started saying that they want to eat something. Then I after picking up my daughter Prabhnoor Kaur, son Sukhvir Singh and son Harsimran Singh started going to shop. As I had just come outside my house, in the meantime one car Maruti white colour bearing No.PB48A-8001 stopped in front of my house, which was being driven by Ranjit Singh @ Sunny son of Gurmail Singh resident of Bomb and on conductor seat Karanvir Singh son of Kewal Singh resident of Bomb was sitting and on rear seat Rajvir Singh @ Raju son of Kewal Singh was sitting. On seeing me they at once alighted from their car. Ranjit Singh @ Sunny above said was holding sword and Karanvir Singh was holding iron rod in his hand. They suddenly started inflicting blows to me. Ranjit Singh @ Sunny who was carrying sword in his hand gave blow on me which hit on left side of my head and he gave another blow which hit on right side of head. When he started giving third blow, same hit on the left side of head of my son namely Harsimran Singh to whom I was carrying on my lap. Then I put down my son from my lap. Then Ranjit Singh @ Sunny again gave kirpan blow on me, I raised my hand in order to save me and said blow hit on the fingers of my left hand. In the meantime Karanvir Singh became rage and he started giving rod blows on both of my legs which he was carrying in his hand. Due to which I fell down on the ground. Then all three gave kick blows on me. Then I raised noise of Maar Dita Maar Dita. On hearing my noise my neighbourer Mandeep Singh came out, who started rescuing me from them, in the meantime Rajbir Singh @ Raju gave brick blow to Mandeep Singh after picking the same, which hit on his nose. Then

many people gathered at the spot. The above said Ranjit Singh @ Sunny, Karanvir Singh and Rajbir Singh @ Raju above said while issuing me threats of elimination went away in their car along with their respective weapons. Then my nephew Dalvir Singh after arranging the vehicle got me and my son Harsimran Singh and Mandeep Singh admitted for treatment at Civil hospital Samrala. Today I along with Sarpanch Tirath Singh son of Didar Singh resident of Village Bomb after coming in police station got recorded my statement. Cause of grudge is that about 6 months ago Karanvir Singh used to molest my wife. Due to this grudge, Karanvir Singh in connivance with his friends gave beatings to me. Legal action be taken against them. Statement has been got recorded to you. Heard and same is correct. Sd/- Jaspreet Singh @ Jassa. Witness Sd/- Tirath Singh. Attested by Jarnail Singh ASI P.S. Samrala dated 30.11.2024”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the injury caused by a sharp-edged weapon is not attributed to the petitioner, but rather to the co-accused Ranjit Singh, who allegedly inflicted the said injury with a sword on the left side of the complainant and is presently in custody. It is further submitted that the specific role assigned to the petitioner is limited to holding an iron rod and giving a blow to the legs of the complainant. Accordingly, he seeks anticipatory bail on the ground that the alleged injury pertains to a non-vital part of the body.

Notice of motion.

On behalf of the State/complainant

On the asking of the Court, Mr. Jastej Singh, Addl. AG Punjab accepts notice on behalf of respondent-State. He opposes the present petition on the ground that the incident was premeditated. It is contended that main accused Ranjit Singh has given sword blow on the left side of the head and the petitioner

was accompanying him in playing an active role in the commissioning of offence. The petitioner is alleged to have delivered not just one, but multiple blows to the complainant, causing him to fall to the ground. Thereafter, the petitioner, along with the other co-accused, is stated to have continued the assault by kick blows and further blows with rods, out of rage. It was only when the complainant raised noise, his neighbours Mandeep Singh came out and the petitioner alongwith main accused ran away from the spot.

4. **Analysis**

In everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

Adverting to the merits of the present case, the specific role attributed to the petitioner involves inflicting multiple blows with an iron rod on the legs of the complainant. Furthermore, as per the medico-legal report, five injuries have been recorded on the person of Jaspreet Singh. The active involvement of the petitioner in the commission of the offence cannot be ruled out by any stretch of the imagination. The petitioner, acting with common intention, accompanied the main accused and, in fact, facilitated the further assault on the complainant. It is alleged that after the petitioner struck the complainant with iron rod blows,

causing the complainant to fall on the ground, the accused persons gave multiple kick blows on his person.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even

if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in “State vs. Anil Sharma”; (1997) 7 SCC 187, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also material which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods needs not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

5. Relief

In the light of above facts and circumstances as has been detailed hereinabove, I find no merit to grant anticipatory bail at least at this stage, wherein recovery of iron rod and other details apart from role of the petitioner is to be ascertained for which custodial interrogation forced into very rightly and fairly.

Hence, the petition stands dismissed with no order as to costs.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

19.05.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No